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REMARKS

I. Claim Rejections – 35 USC § 102

Claims 1-4, 8-12, 16-20, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutcher (US 4,381,013). Applicant respectfully traverses.

Dutcher discloses a two-piece stylet having an inner portion (30) which imparts the desired shape to a lead and a second outer portion (40) that is used to transmit torque from the proximal end to the distal end. The stiffening wire 30 has a bend (at point 32 in Fig. 6) to form a J-shape. The distal tip 34 of wire 30 is foreshortened and a separate torque transmission tool 44 is attached at position 42 to the distal end of coil 40.

The office action alleges that in Fig. 6 different diameters are displayed. The contention is apparently that the limitation in claims 1 and 17 of a taper zone extending within the curved intermediate segment is met by the alleged different diameters. Applicant respectfully disagrees. As clearly shown, the curved intermediate portion of the stylet where the wire 30 imparts the J-shape is of a uniform diameter.

Accordingly, absent from Dutcher is a curved intermediate segment with a taper zone extending within that curved intermediate segment. The rejection of the independent claims, as well as the claims dependent thereon, is in error and should be withdrawn. Additionally, Dutcher necessarily further fails to render obvious the claimed subject matter.

II. Claim Rejections – 35 USC § 103

Claims 5-7, 13-15, 21-23 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher in view of Hartley (US 20040073141). These are all dependent claims. Dutcher is the primary reference and is relied upon in the manner in which it was applied in rejecting the independent claims for anticipation. Based upon the foregoing remarks with regard to the anticipation rejections, Dutcher cannot provide the base reference with which to combine

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Hartley to result in a viable obviousness rejection. The combination of Dutcher and Hartley fails to result in a structure having all the features set forth in the independent claims. It follows, of course, that the rejections of the dependent claims, which also rely upon Dutcher, are similarly in error.


III. Conclusion

The reliance upon Dutcher in the stated rejections for the limitation of a curved intermediate segment with a taper zone extending within that curved intermediate segment is without basis. Accordingly, each of the rejections should be withdrawn. Applicant further submits that the claims are in proper form and condition for allowance, and requests that a notice of allowance be issued in due course.

Respectfully submitted,

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